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Agenda item 23
Question of the Falkland Islands (Malvinas)

Letter dated 3 December 2008 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions from my Government, I have the honour to refer to the letter dated 10 November 2008 from the Permanent Representative of Argentina addressed to you (A/63/542), transmitting the text of a press release issued by the Argentine Ministry of Foreign Affairs, International Trade and Worship (annex I) and the text of a diplomatic note sent by the Argentine Government to my Government via the British Embassy in Buenos Aires (annex II).

The United Kingdom of Great Britain and Northern Ireland firmly rejects the assertion that the Falkland Islands Constitution Order 2008 is contrary, either in practice or in spirit, to any aspect of the Joint Statements agreed between the United Kingdom and Argentina. The formula on sovereignty agreed by both Governments as part of the Joint Statements was designed to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, while protecting both countries' positions on the sovereignty of the Falkland Islands. The sovereignty formula was designed to enable practical cooperation in the South Atlantic and to facilitate confidence-building. Neither of the Joint Statements agreed between the United Kingdom and Argentina makes any reference to negotiations on sovereignty.

The United Kingdom of Great Britain and Northern Ireland also firmly rejects the assertion that the Falkland Islands Constitution Order 2008 contravenes any United Nations General Assembly resolutions.

The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. The right of the people of the Falkland Islands to determine their political future was freely exercised throughout the negotiation of the Falkland Islands Constitution Order 2008. The new Constitution accurately reflects the constitutional relationship between the Falkland Islands and the United Kingdom, as well as formally establishes a greater degree of internal self-government. It enhances local democracy while sufficient powers are retained by the Government of the United Kingdom to meet its international obligations and ensure the overall good government of the territory.

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The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. In contributing to and agreeing on their new Constitution, the Falkland Islanders have reaffirmed their wish to maintain their status as a British Overseas Territory.

I should be grateful if you could circulate the text of the present letter as a document of the General Assembly under agenda item 23.

(*Signed*) John **Sawers**

United Nations A/63/590–S/2008/763

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Security Council

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Agenda item 109
Implementation of the resolutions of the United Nations

Security Council
Sixty-third year

Letter dated 3 December 2008 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the letter to you dated 21 November 2008 from Nikola Gruevski, President of the Government of the Republic of Macedonia, in regard to the application filed with the International Court of Justice against Greece, concerning the protection of the implementation of article 11 of the Interim Accord of 13 September 1995 (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(*Signed*) Slobodan **Tašovski**
Ambassador
Permanent Representative

08-63661 (E) 101208

Annex to the dated 3 December 2008 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

I would like to take this opportunity to inform you that on 17 November 2008 the Republic of Macedonia filed legal proceedings at the International Court of Justice against Greece. An application was filed to bring Greece into compliance with its legal obligations under article 11 of the Interim Accord of 13 September 1995, which sets forth the obligation of Greece not to object to the application by or the membership of the Republic of Macedonia in international, multilateral and regional organizations and institutions if this is in compliance with Security Council resolution 817 (1993) (see A/63/552-S/2008/718). At the Summit of the North Atlantic Treaty Organization (NATO) held in Bucharest in April 2008, however, Greece objected to the extending of an invitation to my country to join NATO, in flagrant violation of its obligations under the Interim Accord.

The Republic of Macedonia has lodged the application with the International Court of Justice for the sole purpose of protecting the Interim Accord from further violations. It is our strong conviction that respect for and the consistent application of the Interim Accord are beneficial for both parties and that the letter and the spirit of what has been agreed upon must be honoured.

The Interim Accord is the only legal framework and the appropriate one for regulating the bilateral relations between the Republic of Macedonia and Greece in several areas of cooperation. Under the Interim Accord, Greece recognized the independence and sovereignty of the Republic of Macedonia within its internationally recognized borders and diplomatic relations were established, by which the relations between the two neighbouring countries were basically normalized.

It is important that all the States respect international norms and principles, as well as their obligations under bilateral and international agreements. Therefore, we sincerely appreciate your understanding and support for our principled and legitimate decision to seek justice and compliance with the principles of international law.

In the context of the above, I would like to underline that the differences over the constitutional name of the Republic of Macedonia is not the subject matter of our application with the International Court of Justice. Let me assure you that the Republic of Macedonia remains strongly committed to the process of negotiations with Greece, as mediated by your Personal Envoy, Ambassador Matthew Nimetz. I strongly believe that full respect for the Interim Accord would be in the interest of both countries and would positively influence the development of friendly and good-neighbourly relations.

(*Signed*) Nikola **Gruevski**